

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X		
SST FOUNDATION,	:	
	:	
Plaintiff,	:	
	:	
-against-	:	CERTIFICATION
	:	PURSUANT TO
	:	INDIVIDUAL RULE
CREDIT SUISSE, SUISSE AMERICAN SECURITIES,	:	III C
INC., and NEW YORK STATE DEPARTMENT OF	:	
TAXATION,	:	07 CV 4758
	:	
Defendants.	:	(SAS)
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ELIZABETH A. FORMAN hereby certifies, pursuant to 28 U.S.C. § 1746, as follows:

1. I am an assistant Attorney General in the Office of Andrew M. Cuomo, Attorney General of New York State. This Office is counsel for the New York State Department of Taxation and Finance ("DTF"), sued as the New York State Department of Taxation, in the above-captioned matter.

2. This Office has prepared a motion to dismiss the complaint as against DTF because the claims against DTF are barred by the Eleventh Amendment of the United States Constitution, and this Court accordingly lacks subject matter jurisdiction over them.

3. I certify that I have corresponded with plaintiff's counsel in an attempt to resolve DTF's motion to dismiss without formal motion practice. I have also discussed this matter with plaintiff's counsel. I have not been able to resolve the motion.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
July 23, 2007

/s/
ELIZABETH A. FORMAN

